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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
06-545-BI hereby certify that this correspondence is being deposited with the
United States Patent Office via EFS Web Online Filingon July 9, 2007Signature /Robert J. Irvine III/Typed or printed
name Robert J. Irvine IIIApplication Number
10/019,988Filed
July 24, 2002First Named Inventor
Brian Evan McGinnisArt Unit
2153Examiner
Scuder, Philip S.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor./Robert J. Irvine III/

Signature

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)Robert J. Irvine III

Typed or printed name

☒ attorney or agent of record.Registration number 41,865312-913-3305

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

July 9, 2007

Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3Com Docket No. 2487.US.P

(MBHB Case No. 06-545-B)

In re Application of:

Brian Evan McGinnis

Serial No.: 10/019,988

Filed: July 24, 2002

For: Method and System for Network
Management

Examiner: Scuderi, Philip S

Group Art Unit: 2153

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF - REASONS FOR REVIEW

I. BACKGROUND

Pre-appeal brief review is requested for the above application. This paper sets forth Applicant's concise statement of clear errors in the Examiner's final rejection. Claims 1-22, 25-46, and 49-63 stand finally rejected under 35 U.S.C. § 103(a), as being unpatentable over Kloba (U.S. Patent No. 6,341,316) in view of Bowler (Forms for the World Wide Web, by Vaughn Bowler, dated January 1996) and Prithviraj (U.S. Patent No. 5,987,513).

- 1. The method of "modifying a uniform resource locator (URL) wherein the modified URL includes (i) a page name, (ii) a field index value for each of the data fields, and (iii) user data associated with each of the field index values", undisclosed by Kloba, is significantly different from the conventional method of modifying a URL to post a web form.**

While the Examiner concedes that Kloba does not disclose "modifying a uniform resource locator (URL), wherein the modified URL includes (i) a page name, (ii) a field index value for each of

the data fields, and (iii) user data associated with each of the field index values”, the Examiner argues that the “claimed modifying step is merely the conventional way of modifying a URL to post a web form using the ‘GET’ method.” (Office Action, page 4). In fact, conventional GET methods do not use field index values, and thus Applicant’s method of modifying a URL using index values for use in a server dependent CML form is not present in the references relied upon by the Examiner. This is made readily apparent by contrasting the conventional method and the invented method of modifying a URL to incorporate form data.

Applicant’s specification explains that conventionally, “form submissions are accomplished through URLs such as: <http://www.server.com/cgi-bin/submit?name=deb&sex=f&ship=lweek>”. Applicant’s Specification at page 130, line 30-31. Applicant’s specification continues to explain that the conventional URL submitted indicates that the “name field was filled in with the text ‘deb’ and the radio button with a name attribute of ‘sex’ and a value attribute of ‘f’ was selected and that the submit button with a value of ‘1 week’ was pressed.” *Id.* at page 131, lines 1-6. It can be understood that the use of field name attributes such as “name” or “sex”, as well as field value attributes such as “m” or “f”, necessitates creating a cumbersome and data intensive URL.

In contrast, Applicant’s transmitted URL is not a conventional URL, as asserted by the Examiner. The specification explains that in a server dependent CML [compact markup language] form, “there is no URL for the web server and CGI script (the action attribute of the HTML <form> tag). Also, there are no field name attributes (like “name” or “sex”), nor are there any value attributes for the radio buttons (like “m” or “f”) in the server dependent form.” *Id.* at page 132, lines 10-13. Applicant’s specification explains that “[t]he only information the wireless client 405 has about the form is its field input types and their relative order in the form.” *Id.* at page 132, lines 13-15. In order to submit this form, the “wireless client 405 sends the following URL to the proxy server 180:

<http://www.server.com/forms/myform.html?a/a=deb/c/e>". *Id.* at page 132, lines 16-18.

On page 132, lines 19-29, Applicant's specification explains that the claimed "index values" are a way of providing a shortened reference to the form parameters:

Notice that <http://www.server.com/forms/myform.html> is the name of the form itself that is being submitted (not the CGI-script that processes it). In the parameter list, the first "a" is the form index (obtained from the formindex attribute of the tagForm tag) the next "a" is the index of the first field in the form (using the base 26 number system introduced above in the Encoding Indirect Hyperlinks section). The next item in the list is the inputted value corresponding to the first field, "deb". The "c" is the index of the third field in the form and because the third field is a simple radio control, it does not have an associated value. The "e" is the index of the submit button that was pressed (e.g., the button with the value of "1 week"). The submit button index is included even if the form only has 1 submit button. Also, between each of the field entries in the parameter list is a "/" character.

Each of Applicant's independent claims 1, 25, and 49, is directed to this system and method of modifying a uniform resource locator (URL), wherein the modified URL includes (i) a page name, (ii) a field index value for each of the data fields, and (iii) user data associated with each of the field index values and transmitting the modified URL to a proxy server by using a compact transfer protocol (CTP), wherein the proxy server uses the modified URL to (i) generate a HTTP query and to (ii) send the HTTP query to a web server. It is apparent from these examples that Applicant's method of modifying a Uniform Resource Locator through the use of index values for data fields of differing types where the index corresponds to a relative position in a form, is not present in conventional URLs.

2. The combination of Kloba and Bowler do not disclose a method of identifying form data fields of differing input types by an index value corresponding to a relative position of the data field on a page.

The Examiner argues that Kloba discloses that forms may contain radio buttons, and that Bowler demonstrates that it was well known in the art to provide radio buttons with index values corresponding to a relative position of the data fields. (Office Action, page 5). However, Bowler does not disclose the use of index values for data fields of differing types that correspond to a relative

position in a form.

Bowler discloses the use of index values corresponding to button positions as a means of implementing a radio button array. In contrast, applicant's specification discloses a means of indexing various fields of different input types, based on their relative order in a form. See Applicant's specification at page 132, lines 19-29. Notably, Applicant specifies that the 'submit' button, a field that is not of the radio variety, has an index that "is included even if the form only has 1 submit button." Applicant's specification at page 132, lines 19-29. Such a use is markedly different from the implementation of a radio button array. The method of indexing taught by Applicant facilitates incorporation of form data into a modified URL in a manner that provides for efficient data transfer from a wireless client. As such, it is contended that independent claims 1, 25, and 49 are patentable over the combination of Bowler and Kloba. Also, each of the dependent claims is allowable for at least the reason that each dependent claims depends from one of the allowable independent claims.

3. The combination of Prithviraj and Kloba do not render obvious a system of network management, wherein a Uniform Resource Locator is modified to include a page name, a field index value for each of the data fields, and user data associated with each of the field index values.

The Examiner argues that it "would have been obvious to one of ordinary skill in the art to use Kloba's device to access Prithviraj's network management pages because doing so would allow a person to easily monitor a remote network. (Office Action, page 5).

Both Prithviraj and Kloba are directed to a method of managing a network via a client device. Prithviraj is directed to managing a network by allowing a user to access hypertext documents stored on a server via a browser that is running on a remote computer system. Kloba is directed to managing a network by allowing a user to interact with downloaded web-content while the device is off-line, and then to synchronize any changes made at a later point in time. However, the combination

of Kloba and Prithviraj does not teach a method of modifying a Uniform Resource Locator (URL), wherein the modified URL includes (i) a page name, (ii) a field index value for each of the data fields, and (iii) user data associated with each of the field index values and transmitting the modified URL to a proxy server by using a compact transfer protocol (CTP), wherein the proxy server uses the modified URL to (i) generate a HTTP query and to (ii) send the HTTP query to a web server. As such, claims 1, 25, and 49, are patentable over the combination of Prithviraj and Kloba. Claims 2-22, 26-46, and 50-63 depend from, and thus incorporate all of the limitations of one of these independent claims. Thus, for at least the same reason that claims 1, 25, and 49, are allowable, these dependent claims are patentable over the combination of Prithviraj and Kloba.

II. Conclusion

Because the combination of Kloba, Prithviraj and Bowler fails to teach claim elements of independent claims 1, 25 and 49, these claims are not rendered unpatentable. Therefore, Applicant submits that the independent claims are allowable. Further, Applicant submits that each of the dependent claims is allowable for at least the reason that each dependent claims depends from one of the allowable independent claims.

For these reasons, Applicant respectfully requests favorable reconsideration and allowance of all of the pending claims. Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-3305.

Respectfully submitted,
McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: July 9, 2007

By: /Robert J. Irvine III/
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